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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/487,594	01/19/2000	Eberhard Kuebler	225/48391	3340

7590 01/03/2005

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EXAMINER

AVERY, BRIDGET D

ART UNIT PAPER NUMBER

3618

DATE MAILED: 01/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/487,594

Applicant(s)

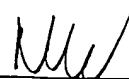
KUEBLER ET AL.

Examiner

Bridget Avery

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) 11 and 13-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12, 17 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. In response to the decision made by the Board of Appeals, mailed on August 31, 2004, a new ground of rejection on the merits of claims 1-10, 12, 17 and 18 follows.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 5, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hollrock ('978) in view of Driskill (US Patent 3,662,975).

Hollrock teaches a decentralized power supply system for a vehicle, including at least one fuel cell system and an aircraft where: the at least one fuel cell system is electrically isolated from the aircraft power supply system, and is dedicated to supplying electricity to an assigned electric consuming device that is incorporated in a structural subassembly of the vehicle; and the at least one fuel cell system is collocated with the assigned electric consuming device, and is mounted on or in the structural subassembly of the vehicle. The system including at least one vehicle body module on which or in which at least one fuel cell is arranged for supplying electricity to electric consuming devices of the vehicle body module. Note, the fuel cell system and the assigned electric

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consuming device are clearly capable of being pre-assembled as a subassembly. See column 6, lines 1-4.

Hollrock fails to disclose the power generators of the aircraft.

Driskill teaches an aircraft with power generators.

Based on the teachings of Hollrock, it would have been obvious to one having ordinary skill in the art, at the time the invention was made to modify the system of Hollrock to include power generators in the aircraft that will serve to keep the aircraft operating systems operating for a limited period of time, even after failure of all aircraft engines.

3. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartel et al. (US Patent 6,056,076) in view of Hollrock ('978).

Bartel teaches a decentralized power supply system for a vehicle including an emergency unit including an electric motor, an emergency battery, actuators, a control unit, etc... positioned on or in a vehicle door. The control unit controls the window lifters (5) and the door locks (4). The vehicle further includes a starter battery (10) that may be charged by the alternator or generator (other power generators) of the vehicle.

Bartel lacks the teaching of a fuel cell on or in the vehicle door.

Hollrock teaches a fuel cell positioned within the seat portion (10) of an ejection seat. (Claim 3)

Based on the teachings of Hollrock, it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to modify the system of

Bartel to include a fuel cell system, in place of the motor and battery combination, to increase the reliability of the emergency system since fuel cells are known to offer the advantages of low atmospheric pollution, high efficiency, compactness and modularity.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bartel et al. ('076) and Hollrock ('978) as applied to claim 2 above, and further in view of Terada et al. (US Patent 4,645,159).

The combination of Bartel et al. and Hollrock teach the features described above.

The combination of Bartel et al. and Hollrock lack the teaching of a fuel cell or in a seat.

Terada et al. teaches a powered seat adjusting device including a motor (25).

Based on the teachings of Terada et al., it would have been obvious to one having ordinary skill in the art, to change the motor powered seat to a fuel cell powered seat to increase the reliability of the system since fuel cells are known to offer the advantages of low atmospheric pollution, high efficiency, compactness and modularity.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bartel et al. ('076) and Hollrock ('978) as applied to claim 1 above, and further in view of Jirmann (DE 19927518).

The combination of Bartel et al. and Hollrock teach the features described above.

The combination of Bartel et al. and Hollrock lack the teaching of a fuel cell or in a seat.

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Jirmann teaches an air-conditioning compressor connected with a fuel cell.

Based on the teachings of Jirmann, it would have been obvious to one having ordinary skill in the art, to include a compressor connected with a fuel cell as a secondary unit to increase the reliability of the system since fuel cells are known to offer the advantages of low atmospheric pollution, high efficiency, compactness and modularity.

6. Claims 6, 7, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartel et al. ('076) and Hollrock ('978) as applied to claim 1 above, and further in view of Mizuno et al. (US Patent 5,193,635).

The combination of Bartel et al. and Hollrock teach the features described above.

The combination of Bartel et al. and Hollrock lack the teaching of an assigned fuel supply system and an exchangeable fuel storage.

Mizuno et al. teaches a vehicle with a fuel cell system including a reformer and a fuel storage tank (31).

Based on the teachings of Mizuno et al., it would have been obvious to one having ordinary skill in the art, to provide a reformer and a fuel storage tank to advantageously extend the possible service life of the electric consuming device. Re claim 7, it would have been obvious to one having ordinary skill in the art, at the time the invention was made to provide an exchangeable fuel storage device, since it has been held that making an old device portable or movable without producing any new and unexpected result involves only routine skill in the art. *In re Lindberg*, 93 USPQ 23.

7. Claims 8 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bartel et al. ('076), Hollrock ('978) and Mizuno et al. ('635) as applied to claim 7 above, and further in view of Wilson et al. (US Patent 6,207,310).

The combination of Bartel et al. and Hollrock teach the features described above.

The combination of Bartel et al. and Hollrock lack the teaching of a hydrogen cartridge.

Wilson et al. teach fuel cells that form a hydrogen cartridge (see column 1, lines 26-40).

Based on the teachings of Wilson et al., it would have been obvious to one having ordinary skill in the art, to provide a fuel cell cartridge to enhance power output. Re claim 12, it would have been obvious to one having ordinary skill in the art, at the time the invention was made to provide an exchangeable fuel storage device, since it has been held that making an old device portable or movable without producing any new and unexpected result involves only routine skill in the art. *In re Lindberg*, 93 USPQ 23.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Jones shows a vehicle window and lock securement.

Andrei-Alexandru et al. shows a window and door locking system for vehicles.

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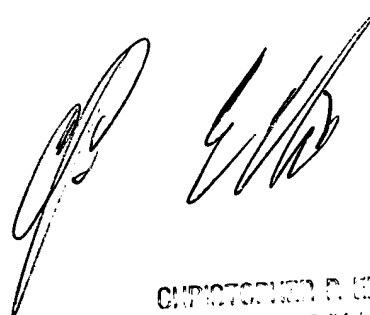
Mochida shows a safe remote-control door opening and closing device for an automotive vehicle.

Kazaoka shows an automotive door lock.

9. Any inquiry concerning this communication should be directed to Bridget Avery at telephone number 703-308-2086.


Avery

December 20, 2004



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